Tafas v. Dudas et al Doc. 253 Att. 15

EXHIBIT 15

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Bahr, Robert

From: Bahr, Robert
Sent: Wednesday, May 09, 2007 9:55 AM
To: 'Collier, John'
Cc: Gormsen, Elizabeth
Subject: RE: Bottom up analysis of ESD

think that for purposes of discussing your model it would be helpful to have a sample patent to use as a frame of reference. I ıave attached one that we can discuss.

---Original Message-----
'rom: Collier, John [mailto:JohnCollier@icfi.com]
ient: Wednesday, May 09, 2007 8:31 AM
'o: McDowell, Jennifer; Bahr, Robert
:c: Gormsen, Elizabeth; Ostrup, Amber
iubject: RE: Bottom up analysis of ESD

Good morning,
We'd prefer to teleconference, just to save time, especially if Friday is not viable. Unless I hear back from you before 10, I'll expect your call then.

John Collier
ICF International
9300 Lee Highway
Fairfax, VA 22031
(703) 934-3622

From: McDowell, Jennifer [mailto:Jennifer.McDowell@USPTO.GOV]
Sent: Wednesday, May 09, 2007 7:00 AM
To: Collier, John; Bahr, Robert
Cc: Gormsen, Elizabeth; Ostrup, Amber
Subject: RE: Bottom up analysis of ESD

Hi John
I've spoken with Bob this morning, and we think it would be helpful to meet at 10 am today to discuss the information you requested, below. If it's easier for you to teleconference into our office, that would be fine, or you can show up here if you'd prefer. It's your call.

As for the ultimate meeting (yes/no on certification), based on our schedules, we're going to have to meet on Thursday (5/10) at 2:00 pm. Friday's "backup" meeting is now no good, and I will be out of the office until Thursday of the following week.

Could you please give me a call this morning, just to confirm the scheduling of all of this? Thank you very much, Jenny

-----Original Message-----
From: Collier, John [mailto:JohnCollier@icfi.com]
Sent: Tuesday, May 08, 2007 9:20 PM
To: Bahr, Robert
Cc: McDowell, Jennifer; Gormsen, Elizabeth
Subject: Bottom up analysis of ESD

Bob,
Based on our conversations over the last week, we decided it was possible, and probably important, to

develop a "bottom-up" cost estimate of preparing an ESD. This approach will allow us to model incremental costs more realistically over the applicant universe. Now we'd like to get your opinion of the unit cost factors we've come up with, which we developed based on our own judgment after reviewing the *most efficient* of the sample ESDs you provided. Actually, there are two cases depending on whether or not a patent search has been conducted.

Case 1: The first case assumes that a patent search is conducted prior to preparation of the application, and that relevant notes on the references are available during the preparation of the ESD.

ESD part	Description		Ti
Item 2	Information Disclosure Statement	application-based	1 hou
Item 3	Identification of all the limitations of each of the claims	claim-based	10 m
Item 4	Detailed explanation of how each of the claims are patentable over the references	claim-based	10 m
Item 5	Statement of utility	application-based	3 minu
Item 6	Showing of where each limitation of the claims finds support	claim-based	10 m

Case 2: The second case assumes that the patent search was not conducted prior to preparation of the application, so no relevant notes on the references are available during the preparation of the ESD

ESD part	Description		Time I
Item 2	Information Disclosure Statement	application-based	1 hou
Item 3	Identification of all the limitations of each of the claims	claim-based	20 m
Item 4	Detailed explanation of how each of the claims are patentable over the references	claim-based	20 m
Item 5	Statement of utility	application-based	3 minu
Item 6	Showing of where each limitation of the claims finds support	claim-based	20 m

To give you a sense of the results we are getting by using these estimates, in the cheapest case where we assume 76 total claims, the ESD cost is $8,500 under Case 1 and $19,300 under Case 2. When we increase the number of total claims to 107, the ESD cost becomes $11,900 under Case 1 and $26,100 under Case 2.

As you can see, the costs add up quickly, even though the unit costs don't seem generous. We look forward to your comments.

John

A08250